

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TONY WILLIAMS,

Plaintiff,

vs.

S.L. FOSTER, et al.,

Defendants.

3:12-CV-0660-MMD-WGC

ORDER

Plaintiff, who is in the custody of the Nevada Department of Corrections, has submitted an amended civil rights complaint pursuant to 42 U.S.C. § 1983 (#10). Based on the financial information provided, the court finds that plaintiff is unable to prepay the full filing fee in this matter. Therefore,

IT IS ORDERED as follows:

1. Plaintiff's application to proceed *in forma pauperis* (# 1) is **GRANTED**; however, plaintiff must pay an initial partial filing fee of \$30.00 toward the full filing fee of three hundred fifty dollars (\$350.00). Plaintiff shall have thirty (30) days from the date this order is entered in which to have the designated fee sent to the Clerk of the Court. Failure to do so may result in dismissal of this action. Furthermore, even if this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).
2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at government expense.
3. The Clerk of the Court shall **SEND** plaintiff two copies of this order. Plaintiff is ordered to make the necessary arrangements to have one copy of this order attached to the check

1 in the amount of the designated fee, by sending a copy of the order with the “brass slip”
2 for the amount of the fee to Inmate Services for the Nevada Department of Corrections.

3 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to
4 the Clerk of the United States District Court, District of Nevada, 20% of the preceding
5 month’s deposits to plaintiff’s account (inmate #64094), in the months that the account
6 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk
7 of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk’s
8 Office. The Clerk shall also **SEND** a copy of this order to the attention of the Chief of
9 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City,
10 NV 89702.

11 5. The Clerk shall electronically **SERVE** a copy of this order and a copy of plaintiff’s
12 complaint on the Office of the Attorney General of the State of Nevada, attention Kat
13 Howe.

14 6. The Attorney General’s Office shall within **twenty-one (21) days** of the date of the entry
15 of this order file a notice advising the court and plaintiff of: (a) the names of the
16 defendants for whom it accepts service; (b) the names of the defendants for whom it does
17 not accept service, and (c) the names of the defendants for whom it is filing
18 last-known-address information under seal. As to any of the named defendants for whom
19 the Attorney General’s Office cannot accept service, the Office shall file, under seal, the
20 last known address(es) of those defendant(s) for whom it has such information.

21 7. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
22 motion identifying the unserved defendant(s), requesting issuance of a summons, and
23 specifying a full name for the defendant(s). For the defendant(s) as to which the
24 Attorney General has not provided last-known-address information, plaintiff shall
25 provide the full name and address for the defendant(s).

